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Washington, DC 20004

In re Application of:	:	
HORROBIN, David, F., et al.	:	DECISION
U.S. Application No.: 10/528,114	:	
PCT No.: PCT/GB03/03985	:	
International Filing Date: 16 September 2003	:	
Priority Date: 16 September 2002	:	
Atty Docket No.: P70482US0	:	
For: EICOSAPENTAENOIC ACID (EPA)	:	
FOR TREATING ANOREXIA	:	
NERVOSA (AN) AND BULIMIA	:	

This decision is issued in response to the "Response To Notification Of Missing Requirements" filed 27 December 2005, treated herein as a petition under 37 CFR 1.181 to withdraw the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 24 October 2005. No petition fee is required.

BACKGROUND

The procedural background herein was set forth in the decision mailed herein on 07 September 2005. In that decision, the declaration filed by applicants on 16 June 2005 was found acceptable under 37 CFR 1.42 and 1.497.

On 24 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of a declaration in compliance with 37 CFR 1.497.

On 27 December 2005, applicants filed the "Response To Notification Of Missing Requirements" treated herein as a petition under 37 CFR 1.181. The petition includes a copy of the previously filed declaration, as well as a copy of a return postcard itemizing the declaration and bearing a USPTO receipt stamp dated 16 June 2005 and a copy of the decision mailed herein on 07 September 2005.

DISCUSSION

As set forth in the decision mailed on 07 September 2005, the declaration filed by applicants on 16 June 2005 is acceptable under 37 CFR 1.42 and 37 CFR 1.497. The "Notification Of Missing Requirements" mailed 24 October 2005, based as it was on applicants' purported failure to file a declaration acceptable under 37 CFR 1.497, is therefore appropriately vacated.

CONCLUSION

The petition to withdraw the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 24 October 2005 is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 24 October 2005 is hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision and with the decision mailed herein on 07 September 2005. As noted in the previous decision, the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 16 June 2005.



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